

**LANCE R. LEFLEUR**  
DIRECTOR



**ROBERT J. BENTLEY**  
GOVERNOR

**Alabama Department of Environmental Management**  
[adem.alabama.gov](http://adem.alabama.gov)

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Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

May 15, 2017

Alex Sellers, CEO  
Invictus Energy, Inc.  
365 River Valley Road  
Atlanta, GA 30328

RE: Facility Inspection  
Russell County Facility  
NPDES Permit #IU305700001  
Inspected 05/11/2017

Dear Alex Sellers, CEO:

Enclosed is a copy of an inspection report for the above referenced facility. The information collected during this inspection is currently under review for a compliance determination and any follow-up as appropriate.

Should you have any questions regarding permitting, compliance, enforcement, or any follow-up action you should take to address any deficiencies noted, please contact your ADEM permit staff contact or the Water Division in Montgomery at [H2Omail@adem.state.al.us](mailto:H2Omail@adem.state.al.us) or by phone at (334) 271-7810.

If you have questions regarding the inspection, please contact me by email or by phone (see below).

Sincerely,

Stephen Dixon  
Field Operations Division  
(334) 260-2706  
[stephen.dixon@adem.alabama.gov](mailto:stephen.dixon@adem.alabama.gov)

Enclosure: Inspection Report

**Birmingham Branch**  
110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168  
(205) 941-1603 (FAX)

**Decatur Branch**  
2715 Sandlin Road, S.W.  
Decatur, AL 35603-1333  
(256) 353-1713  
(256) 340-9359 (FAX)



**Mobile Branch**  
2204 Perimeter Road  
Mobile, AL 36615-1131  
(251) 450-3400  
(251) 479-2593 (FAX)


**Mobile-Coastal**  
3664 Dauphin Street, Suite B  
Mobile, AL 36608  
(251) 304-1176  
(251) 304-1189 (FAX)

# Russell County Facility : 46274.1

## NPDES Common Inspection Form

<b>Inspection Detail</b>	
NMS Inspection #:	57015
Inspection Type:	State Indirect Discharge, SID CEI (Compliance Evaluation Inspection)
Part of EPA commitment?	Yes
Inspection was announced?	No
Weather Conditions:	
<b>Water Division Permit Detail</b>	
Water Division Permit Number:	IU305700001
Permit Effective Date:	2015-07-01
Permit Expiration Date:	2020-06-30
Permittee Organization:	Invictus Energy, Inc.
Organization Mailing Address Line 1:	365 River Valley Road
Organization Mailing Address Line 2:	
Organization Mailing Address City:	Atlanta
Organization Mailing Address State:	GA
Organization Mailing Address Postal Code:	30328
<b>Site Detail</b>	
Site ID + Version:	46274.1
Site Name:	Russell County Facility
Facility Ownership Type:	Private
Activity Description: Categorical	
Physical Location Address Line 1:	265 Terminal Road
Physical Location Address Line 2:	
Physical Location City:	Fort Mitchell
Physical Location State:	AL
Physical Location Postal Code:	36856
Physical Location County:	Russell
Physical Location Description:	
Entrance Latitude:	32.233611
Entrance Longitude:	-84.960556
<b>Permit Contacts (1)</b>	
Affiliation Type(s):	Responsible Official
First Name:	Alex
Last Name:	Sellers
Organization:	
Position Title:	CEO
Phone:	6784772778
Email Address:	
Mailing Address Line 1:	365 River Valley Road
Mailing Address Line 2:	
Mailing Address City:	Atlanta
Mailing Address State:	GA
Mailing Address Postal Code:	30328
<b>Site Contacts (1)</b>	
Affiliation Type(s):	Inspection Contact

Russell County Facility : 46274.1  
NPDES Common Inspection Form

<b>Site Contacts (1)</b>	
First Name:	David
Last Name:	Chunn
Position Title:	Site Supervisor
Phone:	2056162436
Email:	david@ERSnow.com
<b>Inspection Summary</b>	
Inspection Begin Date:	05/11/2017
Inspection Begin Time:	10:50 AM
Inspection End Date:	05/11/2017
Inspection End Time:	11:35 AM
<p>Summary Comments: A release of waste oil has occurred at the facility. Oil is standing in pools and soaked into the ground around the storage tanks and down gradient from the tanks. A retention ditch present during ADEM's last inspection has been filled in. A pool of waste oil is sitting on the surface of this filled area. Recent movement of dirt was observed during the inspection. See attached power point for pictures.</p>	
Field Operations Division Office:	Montgomery
Inspector:	Stephen Dixon
Phone Number of Inspector:	3342602706
<p>Signature of Inspector:</p> 	
Signature Date:	05/15/2017
Reviewing Supervisor:	Don Prempramot
Phone Number of Reviewing Supervisor:	3343944319
Signature of Reviewing Supervisor:	
Signature Date:	

# Russell County Facility : 46274.1

## NPDES State Indirect Discharge (SID) Checklist Form

<b>Records Review Checklist</b>			
1. Was an onsite records review conducted at the time of inspection?	Yes, all records were available for review.		
2. Are the standard documents, records, and reports listed below maintained as required by the Permit and retained for at least 3 years?			
2.01. Complete Permit Application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
2.02. Past (signed) Inspection Reports?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
2.03. (C)BMPP ((Construction) Best Management Practices Plan)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
2.04. SPCC (Spill Prevention, Control, and Countermeasure) Plan?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> NA
2.05. Discharge Monitoring Reports (DMRs)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
2.06. Sampling Records (date, time, location, and individual collecting sample)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
2.07. Sample Result Records (analyses date, time, analytical methods, analyst, and results)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
2.08. Equipment calibration and maintenance records?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
3. Are the additional documents, records, and reports listed below maintained as required by the Permit and retained for at least 3 years?			
3.01. BMP (Best Management Practices) Inspections?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> NA
3.02. Total Toxic Organics (TTO) Plan?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
3.03. Slug Control Plan?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
3.04. Other reports required by the Permit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
<b>Permit Verification Checklist</b>			
1. Was a valid Permit maintained at site and available for review?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
2. Were all discharges permitted?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
3. Was the correct name, mailing address, and/or physical address listed in the Permit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
4. Was the facility as described in the Permit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
5. Were the number and location(s) of discharge point(s) (including stormwater) as described in the Permit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
6. Were the number and location(s) of monitoring point(s) as described in the Permit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
7. Were the correct name and location of receiving waters listed in the Permit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
<b>Operations &amp; Maintenance Checklist</b>			
1. Equipment			
1.01. Are all necessary treatment units in service?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
1.02. Does the facility properly calibrate and maintain equipment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
1.03. Is there adequate containment for products/byproducts and waste materials?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> NA
2. Processes/Practices			
2.01. Are BMP measures adequate?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> NA
6. Sludge			
6.01. Are sludges and solids disposed of adequately?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
8. Process Water Sources			
8.01. Well?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
8.02. Industrial?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
8.03. City?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
8.04. Surface Water?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
9. Process Water Quantities			
9.01. Influent Estimate (MGD):	0		
9.02. Effluent Estimate (MGD):	0		

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**NPDES State Indirect Discharge (SID) Checklist Form**

<b>Discharge Checklist (1)</b>			
<b>Parameter</b>	<b>Units</b>	<b>Allowed</b>	<b>Actual</b>
<b>Sampling &amp; Flow Checklist</b>			
1. Sampling			
1.01. Are sampling locations adequate?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.02. Do sampling types agree with permit?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.03. Do sampling frequencies agree with Permit?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.04. Is sampling equipment properly installed and maintained?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.05. Are samples kept at proper temperature during and after sampling?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.06. Do preservation techniques agree with EPA guidance (40 CFR 136)?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.07. Do sample holding times agree with EPA guidance?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.08. Are Standard Methods/EPA approved analytical methods used?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.09.a. Are monitoring and analyses performed more frequently than required?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.09.b. Are results of monitoring and analysis performed more frequently than required reported on DMRs?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.10. Is a commercial lab used for reported analysis?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.10.a. Commercial Lab Name:		N.A.	
1.10.b. Commercial Lab Address:		NA	
1.10.c. Commercial Lab Phone:		NA	
1.10.d. Parameters:		NA	
2. Flow Measurement			
2.01. Describe the device used for flow measurement:		No flow device was present. Flow calculated as per permit.	
2.02. Do device(s) comply with Permit?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
2.03. Are device(s) adequately installed?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
2.04. Are device(s) properly maintained and operated?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
2.05. If totalized, is calibration frequency adequate?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
<b>Bypass/Slug Discharge Checklist</b>			
1. Has a bypass occurred at the facility since last ADEM inspection?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
2. What is the reason for the discharge?		A leak in one of the storage tanks has discharged an unknown amount of waste oil to the ground at the facility.	
3. Have repairs or upgrades been made to eliminate further bypasses?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
4. How many times per year do bypasses occur?		1	

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### Additional Information

#### Records Review Checklist

2.03. (C)BMPP ((Construction) Best Management Practices Plan)?

Facility has a BMP that is dated May 13, 2012. The plan should be updated every 5 years. As of the date of the inspection, the facility has 2 days before the plan is due for an update.

2.04. SPCC (Spill Prevention, Control, and Countermeasure) Plan?

Facility has an SPCC dated December 12, 2011. This plan is past due for an update. No Professional Engineer signature or stamp is present within the plan. A draft PE page is present with no signature or stamp.

2.05. Discharge Monitoring Reports (DMRs)?

The facility contact, David Chunn, indicated that no SID discharge has occurred from the facility. DMR's are being submitted with "no discharge". According to Mr. Chunn, the facility plans to treat all waste on site and produce no wastewater discharge.

2.06. Sampling Records (date, time, location, and individual collecting sample)?

No samples are being collected.

#### Permit Verification Checklist

5. Were the number and location(s) of discharge point(s) (including stormwater) as described in the Permit?

No discharge noted at the time of the inspection. Permit lists "tanker truck discharge hose" as the discharge point.

6. Were the number and location(s) of monitoring point(s) as described in the Permit?

Monitoring point listed as "tanker truck discharge hose" in the facility's SID permit.

#### Operations & Maintenance Checklist

1.01. Are all necessary treatment units in service?

No visible treatment activity was taking place. No means of treatment was noted or presented to ADEM.

1.03. Is there adequate containment for products/byproducts and waste materials?

Waste oil from the storage tank area has flowed down from the tanks and into the area of an unlined retention ditch. The ditch was partially full of water during ADEM's previous inspection. The ditch is now filled in with Dirt. A standing pool of waste oil is on the surface of the dirt filling in the ditch. Oil can be seen soaking into and through the dirt.

8.02. Industrial?

Mr. Chunn estimated that the tanks on site were currently filled to 2/3 capacity.

#### Bypass/Slug Discharge Checklist

3. Have repairs or upgrades been made to eliminate further bypasses?

Oil is currently sitting on the surface of the ground at the facility. The area where a retention ditch existed during ADEM's previous inspection has been filled in with a pool of oil on its surface. Oil can be seen soaking into and through the dirt. The containment area around the storage tanks is not complete and cannot contain spills from the storage tanks.